



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,006	09/05/2003	Christine Dingivan	10271-116-999	3565

20583 7590 06/18/2007  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

EXAMINER

SKELDING, ZACHARY S

ART UNIT	PAPER NUMBER
----------	--------------

1644

MAIL DATE	DELIVERY MODE
-----------	---------------

06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/657,006	9/5/2003	DINGIVAN ET AL.	10271-116-999

JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

**EXAMINER**

Zachary Skelding

ART UNIT	PAPER
----------	-------

1644

070601

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Applicant's amendment to the claims of September 25, 2006 is acknowledged.

Claims 1-44 have been canceled.

Claims 45-82 have been added.

This communication is in response to applicant's amendment to the claims filed September 25, 2006.

The claims presented by applicant on July 21, 2006, before the first substantive Office Action on the merits, recited, "a method for treating or ameliorating cancer/treating or ameliorating a T-cell malignancy..." with dependent claims reciting "...wherein said T-cell malignancy is a T-cell chronic lymphocytic lymphoma, a large granular lymphocytic lymphoma, A PERIPHERAL T-CELL LYMPHOMA..."

Applicant's response of July 21, 2006 included an election of "PERIPHERAL T-CELL LYMPHOMA" as the particular species of disease to be treated.

It is noted that applicant did NOT TRAVERSE this species election requirement.

It is further noted that in the listing of claims filed with the election of July 21, 2006 APPLICANT APPLIED the "WITHDRAWN" status identifier to claim 16, a dependent claim reciting "...wherein said T-cell malignancy is NOT A CUTANEOUS T-CELL LYMPHOMA."

Following applicant's species election of July 21, 2006, applicant received the first substantive Office Action on the merits where the species of disease to be treated was "PERIPHERAL T-CELL LYMPHOMA" and, upon further consideration, "anaplastic large cell lymphoma".

It should be noted that dependent claim 16 reciting "...wherein said T-cell malignancy is NOT A CUTANEOUS T-CELL LYMPHOMA," was withdrawn from further consideration by the Examiner at that time as being drawn to a non-elected invention, consistent with applicant's election without traverse and AS PREVIOUSLY INDICATED BY APPLICANT.

Applicant's most recent amendment to the claims of September 25, 2006 cancels all previously pending claims and presents new claims which recite, "a method of treating a T-cell malignancy...wherein the T-cell malignancy comprises cells that express CD2 and the T-cell malignancy is not a cutaneous T-cell lymphoma." Thus, with the new claims, the particular species of disease to be treated is now "peripheral T-cell lymphoma which is not a cutaneous T-cell lymphoma." However, this species of disease to be treated is patentably distinct from the species of disease to be treated on which applicant HAS ALREADY RECEIVED A FIRST ACTION ON THE MERITS, i.e., "PERIPHERAL T-CELL LYMPHOMA" and "anaplastic large cell lymphoma".

As such the claims as amended September 25, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (see MPEP § 821.03).

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary Skelding whose telephone number is 571-272-9033. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zachary Skelding, Ph.D.  
Patent Examiner  
June 8, 2007

PHILLIP G. ...  
PRIMARY EXAMINER

TC 1600  
6/11/07